

CHAPTER 29

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 22-102

BY SENATOR(S) Kirkmeyer, Bridges, Buckner, Cooke, Fenberg, Gardner, Ginal, Hisey, Kolker, Lee, Liston, Moreno, Priola, Scott, Simpson, Smallwood, Winter, Woodward, Zenzinger, Garcia;
also REPRESENTATIVE(S) Young, Amabile, Bennett, Bird, Boesenecker, Duran, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McCormick, Ortiz.

AN ACT

CONCERNING INCREASING TRANSPARENCY CONCERNING PROGRAMS FOR YOUTH WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE IN OUT-OF-HOME PLACEMENTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 26-5-102, **amend** (3)(b); and **add** (3)(b.5) and (3)(1) as follows:

26-5-102. Provision of child welfare services - system reform goals - out-of-home placements for children and youth with intellectual and developmental disabilities - rules - definition. (3) (b) The state department shall promulgate rules concerning the placement of children or youth in the program. The rules must include, but need not be limited to, quality assurance monitoring, admissions, discharge planning, appropriate length of stay, and an appeals process for children or youth who are determined to be ineligible for the program OR WHO ARE BEING REMOVED FROM THE PROGRAM BEFORE MEETING DISCHARGE CRITERIA, AS DEFINED BY THE CHILD'S OR YOUTH'S TREATMENT PLAN, AND WITHOUT THE CONSENT OF A PARENT, LEGAL GUARDIAN, OR COUNTY DEPARTMENT. THE RULES REGARDING THE APPEALS PROCESS MUST INCLUDE ACCESS TO THE INTERDISCIPLINARY APPEALS REVIEW PANEL, REFERENCED IN SECTION 26-6-106(3). FOR AN APPEAL PURSUANT TO THIS SUBSECTION (3)(b), THE PANEL SHALL INCLUDE THE MEMBERS APPOINTED PURSUANT TO SECTION 26-6-106(3) AND, AT A MINIMUM:

(I) A REPRESENTATIVE FROM A COUNTY DEPARTMENT;

(II) A TREATMENT DIRECTOR OR COORDINATOR FOR A RESIDENTIAL TREATMENT PROGRAM;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(III) A STAFF MEMBER FROM A PROGRAM-APPROVED SERVICE AGENCY THAT OFFERS RESIDENTIAL HABILITATION; AND

(IV) A REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WITH EXPERTISE IN THE CHILDREN'S HABILITATION RESIDENTIAL PROGRAM, AS DESCRIBED IN THIS SECTION.

(b.5) ALL MEMBERS OF THE INTERDISCIPLINARY APPEALS REVIEW PANEL ASSEMBLED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION SHALL NOT BE ASSOCIATED WITH THE CHILD OR YOUTH WHO IS THE SUBJECT OF THE APPEAL AND THE CHILD'S OR YOUTH'S PLACEMENT PROVIDER. IF A PARENT, LEGAL GUARDIAN, COUNTY DEPARTMENT, PROGRAM PROVIDER, OR THE STATE DEPARTMENT IS NOT SATISFIED WITH THE INTERDISCIPLINARY APPEALS REVIEW PANEL RECOMMENDATION, THAT PARTY TO THE APPEAL IS ENTITLED TO A REVIEW BY AN INDEPENDENT HEARING OFFICER AT A STATE HEARING.

(I) ON OR BEFORE FEBRUARY 1, 2023, AND, NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), EVERY FEBRUARY 1 THEREAFTER, THE STATE DEPARTMENT SHALL REPORT THE FOLLOWING INFORMATION FROM THE PREVIOUS CALENDAR YEAR TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES:

(I) THE NUMBER OF CHILDREN OR YOUTH WHO MET TRANSITION OR DISCHARGE CRITERIA AND LEFT THE PROGRAM;

(II) THE TOTAL NUMBER OF APPLICATIONS RECEIVED FOR THE PROGRAM DURING THE APPLICABLE YEAR AND THE NUMBER OF APPLICANTS WHO:

(A) MET PROGRAM ELIGIBILITY CRITERIA;

(B) DID NOT MEET PROGRAM ELIGIBILITY CRITERIA;

(C) WERE ADMITTED TO THE PROGRAM; AND

(D) WERE ADDED TO THE WAIT LIST;

(III) THE NUMBER OF CHILDREN OR YOUTH REMOVED FROM THE WAIT LIST AND PLACED IN THE PROGRAM;

(IV) THE NUMBER OF CHILDREN OR YOUTH REMOVED FROM THE PROGRAM BEFORE MEETING TRANSITION CRITERIA AND THE REASON OR REASONS FOR REMOVAL;

(V) THE NUMBER OF APPEALS TO THE INTERDISCIPLINARY APPEALS REVIEW PANEL DURING THE PREVIOUS YEAR, INCLUDING THE NUMBER THAT WERE APPROVED AND THE NUMBER THAT WERE DENIED;

(VI) THE NUMBER OF BEDS DURING EACH MONTH THAT WERE:

- (A) OPEN OR UNOCCUPIED;
- (B) OCCUPIED; OR
- (C) USED FOR EMERGENCY PLACEMENTS; AND
- (VII) THE AVERAGE LENGTH OF STAY.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 17, 2022